

STATE OF INDIANA
COUNTY OF MONROE

Monroe Circuit Court 6

IN THE DIVISION COURT NO. ____
2021 TERM

Traci Leturgez, as Parent and Natural
Guardian, of Lilly Leturgez,
Plaintiff.

CAUSE NO.: 53D ____-2101-CT-____

53C06-2101-CT-000006

vs.

Target Corporation,
Defendant.

APPEARANCE BY ATTORNEY

Party Classification: Initiating XXX Responding _____ Intervening _____

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s): Lilly Leturgez

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Anthony J. Oliveira
Dennis, Wenger & Abrell, P.C.
324 W. Jackson Street
Phone: (765) 288-8950

Attorney No.: 27612-64
Muncie, Indiana 47305
FAX: (765) 289-5803

3. There are other party members: Yes _____ No XX.

4. *If first initiating party filing this case*, the Clerk is requested to assign this case the following Case Type under Administrative Rule 9(b)(3): CT.

5. I will accept service by FAX at the above noted number: Yes _____ No XX.

6. This case involves support issues. Yes _____ No XX.

7. There are related cases. Yes _____ No XX.

8. This form has been served on all other parties. Certificate of Service is attached.
Yes XX. No _____

9. Additional information required by local rule:

Dated this 4th day of January, 2021.

/s/ Anthony J. Oliveira

Anthony J. Oliveira, #27612-64

EXHIBIT "A"

CERTIFICATE OF SERVICE

I certify that on the 4th day of January, 2021 service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein by depositing the same in the United States Mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

/s/ Anthony J. Oliveira

Anthony J. Oliveira, #27612-64

Attorney for Plaintiff

DENNIS, WENGER & ABRELL, P.C.

324 W. Jackson Street

Muncie, Indiana 47305

Phone: (765) 288-4425

**STATE OF INDIANA
COUNTY OF MONROE**

**IN THE DIVISION COURT NO. ____
2021 TERM**

**Traci Leturgez, as Parent and Natural
Guardian, of Lilly Leturgez,
Plaintiff.**

**CAUSE NO.: 53D ____-2101-CT-_____
53C06-2101-CT-000006**

vs.

**Target Corporation,
Defendant.**

COMPLAINT

COMES NOW the Plaintiff, Traci Leturgez, as Parent and Natural Guardian, of Lilly Leturgez, by and through counsel, and for her claim against the Defendant, Target Corporation, would state and allege, upon information and belief, as follows:

PARTIES

- 1) On January 7th, 2020, Plaintiff, Lilly Leturgez (Minor), was injured at the Target store, in Bloomington, Indiana operated by Target Corporation.
- 2) At all times relevant hereto, Plaintiff is and was a resident of Monroe County, Indiana.
- 3) Defendant, Target Corporation is and was, at all relevant times hereto, operating a business in Monroe County, Indiana, with a primary office located in Minneapolis, Minnesota.

JURISDICTION AND VENUE

- 4) Jurisdiction over the parties and the subject matter of this action and venue may be properly exercised by this Court, pursuant to Trial Procedure Rules 4 and 75.

FACTUAL BACKGROUND AND CHARGE

- 5) On January 7th, 2020, Plaintiff, Lilly Leturgez (Minor), was a business invitee shopping in the Target store in Bloomington, Indiana.

- 6) Defendant, as owners and operators of the store, or through its agents or employees, negligently failed to maintain the floor of the store in a reasonably safe condition.
- 7) Defendant, as owners and operators of the store, or through its agents or employees, allowed a file folder from the displays to fall on the floor and remain on the floor of the store when Defendant, or its agents or employees, knew, or in the exercise of reasonable care should have known, that the debris created an unreasonable risk of harm to customers in the store.
- 8) Defendant, as owners and operators of the store, or through its agents or employees, failed to warn Plaintiff of the danger presented by the presence of the debris on the floor.
- 9) Defendant failed to provide a nonslip surface on the floor of the store.
- 10) Defendant failed to otherwise exercise due care with respect to the matters alleged in this Complaint.
- 11) As a direct and proximate result of the negligence of Defendants as set forth below, Plaintiff slipped on the debris and fell while in the store.
- 12) Plaintiff contends that as a result of this negligence, negligence *per se*, and other negligent acts and omissions, by the Defendant that Plaintiff has been seriously injured, has experienced pain, suffering and mental anguish, has incurred medical, hospital and doctor expenses and is unable to lead life in the channels she was accustomed to before his slip and fall injuries caused by the fault of the Defendant.
- 13) As a result of the incident, Plaintiff, sustained multiple leg fractures which had to be surgically repaired by implanting medical hardware in the Plaintiff's leg.
- 14) Plaintiff has incurred past medical expenses and will incur future medical expenses.
- 15) Plaintiff has suffered and will continue to suffer from tremendous pain and mental anguish associated with the incident.
- 16) Defendant had a duty of care to ensure the premises were safe; and Defendant breached that duty of due care by:
 - a) failing to maintain the aforementioned premises, including walkways, in a reasonably safe

condition for persons lawfully on said premises, to include the Plaintiff herein,

- b) Failed to warn the Plaintiff and other persons lawfully on said premises of the dangerous condition when Defendants knew or should have known in the exercise of ordinary care that said warning was necessary to prevent injury to the Plaintiff.
- c) Failed to make a reasonable inspection of its premises when it knew or in the exercise of ordinary care should have known that said inspection was necessary to prevent injury to the Plaintiff and others lawfully on said premises.
- d) Was otherwise careless and negligent in the operation of its premises
- e) and in other ways to be discovered and proven at trial.

17) As a direct and proximate result of the negligence of the Defendants, Plaintiff, Lilly Leturgez has suffered and will continue to suffer from physical injuries, mental anguish, and pain; has incurred past medical expenses and will incur future medical expenses, such that Defendants are liable to Plaintiff, Lilly Leturgez for her damages.

PRAYER

WHEREFORE, the Plaintiff prays for judgment against the Defendant in an amount which is reasonable and just under the circumstances, together with interest, costs and such other relief as to this Honorable Court seems just and proper.

Respectfully submitted,

/s/ Anthony J. Oliveira

Anthony J. Oliveira, Atty. No. 27612-64
ATTORNEY FOR PLAINTIFF

Monroe Circuit Court 6

SUMMONS**STATE OF INDIANA
COUNTY OF MONROE****IN THE DIVISION COURT NO. ____
2021 TERM****Traci Leturgez, as Parent and Natural
Guardian, of Lilly Leturgez,
Plaintiff.****CAUSE NO.: 53D____-2101-CT-____
53C06-2101-CT-000006****vs.****Target Corporation,
Defendant.**

To Defendant: To CEO, or Highest Corporate Officer Found, Target Corporation, 1000 Nicollet
Mall, Minneapolis, MN 55403, United States

You have been sued by the person(s) named "Plaintiff" in the Court stated above for a complaint
accompanies this summons.

The nature of the suit against you is stated in the complaint which is attached to this document. It
also states the demand which the Plaintiff has made and wants from you¹.

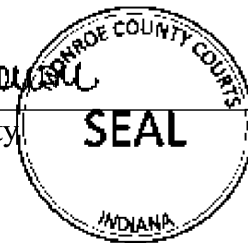
You must answer the Complaint in writing, by you or your attorney, within twenty (20)² days
commencing the day after you received this summons, or a judgment will be entered against you for what
the plaintiff has demanded.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence,
you must assert it in your written answer.

The following manner of service of summons is hereby designated: **CERTIFIED MAIL**.

Date: 1/5/2021

Justin Lynn Brown
Clerk of the Marion County



Anthony Oliveira, #27612-64
Dennis, Wenger & Abrell, PC
324 West Jackson Street
Muncie, Indiana 47305
Phone: (765) 288-8950
Fax: (765) 289-5803
ATTORNEY FOR PLAINTIFF

¹ If the complaint is not attached, a copy is available for you in the Office of the Clerk of said Court.

² Or if the summons is served by registered or certified mail, within twenty-three (23) days.

RETURN OF SUMMONS

A. SERVICE BY MAIL

I hereby certify that on the _____ day of _____, 20____ at Bloomington, Indiana, I mailed a copy of this summons and a copy of the complaint to the defendant(s) _____

_____ by registered or certified mail, requesting a return receipt and that

(1) said return receipt was received by me on the _____ day of _____, 20____, and is attached hereto.

(2) said mailing was returned without acceptance.

Dated this _____ day of _____, 20_____.

Clerk

B. SERVICE BY SHERIFF

I hereby certify that I have served this summons on the _____ day of _____, 20____:

(1) By delivering a copy of the summons and a copy of the complaint to the defendant, _____.

(2) By leaving a copy of the summons and a copy of the complaint at _____, the dwelling place or usual place of abode of the said defendant

(3) _____

Sheriff of _____ County, Indiana

By _____
Deputy

Monroe Circuit Court 6

SUMMONS**STATE OF INDIANA
COUNTY OF MONROE****IN THE DIVISION COURT NO. ____
2021 TERM****Traci Leturgez, as Parent and Natural
Guardian, of Lilly Leturgez,
Plaintiff.****CAUSE NO.: 53D ____-2101-CT-____****53C06-2101-CT-000006****vs.****Target Corporation,
Defendant.**To Defendant: To CEO or Highest Corporate Officer Found, Target Corporation, 2966 E 3rd St,
Bloomington, IN 47401

You have been sued by the person(s) named "Plaintiff" in the Court stated above for a complaint
accompanies this summons.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the Plaintiff has made and wants from you¹.

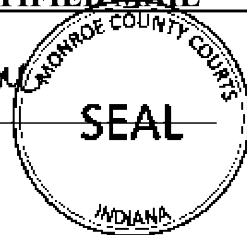
You must answer the Complaint in writing, by you or your attorney, within twenty (20)² days commencing the day after you received this summons, or a judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of summons is hereby designated: CERTIFIED MAIL.

1/5/2021
Date: _____

Justin Lynn Brown
Clerk of the ~~Marion~~ County



Anthony Oliveira, #27612-64
Dennis, Wenger & Abrell, PC
324 West Jackson Street
Muncie, Indiana 47305
Phone: (765) 288-8950
Fax: (765) 289-5803
ATTORNEY FOR PLAINTIFF

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Clerk

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(3) _____

Sheriff of _____ County, Indiana

By _____
Deputy

Monroe Circuit Court 6

SUMMONS**STATE OF INDIANA
COUNTY OF MONROE****IN THE DIVISION COURT NO. ____
2021 TERM****Traci Leturgez, as Parent and Natural
Guardian, of Lilly Leturgez,
Plaintiff.****CAUSE NO.: 53D ____-2101-CT-
53C06-2101-CT-000006****vs.****Target Corporation,
Defendant.**

To Defendant: To Registered Agent for Target Corporation, C T CORPORATION SYSTEM, 334
North Senate Avenue, Indianapolis, IN, 46204, USA

You have been sued by the person(s) named "Plaintiff" in the Court stated above for a complaint
accompanies this summons.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the Plaintiff has made and wants from you¹.

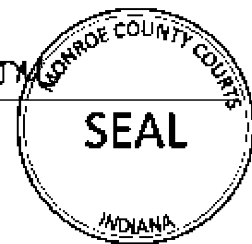
You must answer the Complaint in writing, by you or your attorney, within twenty (20)² days commencing the day after you received this summons, or a judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of summons is hereby designated: **CERTIFIED MAIL**.

1/5/2021

Date: _____

Clerk of the Marion County

Anthony Oliveira, #27612-64
Dennis, Wenger & Abrell, PC
324 West Jackson Street
Muncie, Indiana 47305
Phone: (765) 288-8950
Fax: (765) 289-5803
ATTORNEY FOR PLAINTIFF

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(1) said return receipt was received by me on the _____ day of _____, 20____, and is attached hereto.

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Dated this _____ day of _____, 20_____.

Clerk

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(1) By delivering a copy of the summons and a copy of the complaint to the defendant, _____.

(2) By leaving a copy of the summons and a copy of the complaint at _____, the dwelling place or usual place of abode of the said defendant

(3) _____

Sheriff of _____ County, Indiana

By _____
Deputy

IN THE MONROE COUNTY SUPERIOR COURT 6
STATE OF INDIANA

TRACI LETURGEZ, as Parent and)
Natural Guardian, of Lilly Leturgez,)
)
Plaintiff,)
)
vs.) CAUSE NO.: 53C06-2101-CT-000006
)
TARGET CORPORATION,)
)
Defendant.)

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is:

Initiating: _____ Responding: XX Intervening: _____; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party Target Corporation

Address of party (see Question #6 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order)

Telephone # of party _____
(List on continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name: <u>Jeffrey S. Zipes</u>	Attorney Number: <u>15303-29</u>
Address: <u>Coots, Henke & Wheeler, P.C.</u>	Telephone: <u>317 844-4693</u>
<u>255 East Carmel Drive</u>	FAX: <u>317 573-5385</u>
<u>Carmel, Indiana 46032-2689</u>	Computer Address: <u>jzipes@chwlaw.com</u>

(List on continuation page additional attorneys appearing for above party)

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Notice of Appeal;

7. There are related cases. Yes: No: X (If yes, list on continuation page)

8. Additional information required by local rule: _____
9. There are other party members represented by undersigned counsel: Yes:___ No: X (If yes, list on continuation page)
10. This form has been served on all other parties. Certificate Of Service is attached: Yes:XNo:

/s/ Jeffrey S. Zipes
Jeffrey S. Zipes 15303-29
Target Corporation, Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on **January 21, 2021**, I electronically filed the foregoing document using the Indiana E-filing System ("IEFS"). I certify that the foregoing person was electronically served a copy of the foregoing document:

Anthony Oliveira
Dennis, Wenger & Abrell, PC
324 West Jackson Street
Muncie, Indiana 47305

/s/ Jeffrey S. Zipes
Jeffrey S. Zipes

Jeffrey S. Zipes 15303-29
COOTS HENKE & WHEELER, P.C.
255 East Carmel Drive
Carmel, IN 46032
(317) 844-4693
jzipes@chwlaw.com